

VZCZCXYZ0001  
PP RUEHWEB

DE RUEHJA #0754/01 0740815  
ZNY CCCCC ZZH  
P 150815Z MAR 07  
FM AMEMBASSY JAKARTA  
TO SECSTATE WASHDC PRIORITY 3867

C O N F I D E N T I A L JAKARTA 000754

SIPDIS

SIPDIS

E.O. 12958: DECL: 03/15/2017  
TAGS: [PHUM](#) [PGOV](#) [KJUS](#) [KCRM](#) [ID](#)  
SUBJECT: JUSTICE CONTINUES TO ELUDE VICTIMS OF 1998-1999  
KILLINGS

Classified By: POLOFF SANJAY RAMESH FOR REASONS 1.4 (b) and (d)

11. (C) Summary: On March 7, the Indonesian parliament's (DPR) consultative council rejected the legal affairs committee's (Commission III) recommendation to set up an ad-hoc human rights court on the 1998-1999 killings of 29 civilian protestors by the Indonesian military (TNI) at Trisakti University and in the Semanggi area, both in Jakarta. Indonesian law requires the DPR to recommend and the president to decree the establishment of an ad-hoc human rights court to try human rights violations that occurred before 2000. On March 13, several human rights activists told us that senior parliamentary leaders remained extremely reluctant to antagonize powerful Indonesian military (TNI) figures by pursuing these cases. These activists also claimed that President Yudhoyono shared this reluctance. The consultative council's decision represents a setback for the cause of accountability for past human rights violations. End Summary.

Killings in a Turbulent Time  
-----

12. (SBU) During the turbulent period from 1998-1999, as Suharto's regime collapsed, Indonesian security forces brutally cracked down on civilian protestors. In three separate incidents in Jakarta - referred to as Trisakti, Semanggi I and Semanggi II - the Indonesian military (TNI) shot dead anti-government civilian protestors, primarily students. The well-known Indonesian NGO KontraS (Commission on the Disappeared and Victims of Violence) estimates that 29 people were killed in the three shootings. Many human rights activists continue to believe that these slayings occurred under the direction of then senior Indonesian military leaders such as General Wiranto (currently without position but active in politics), Lieutenant-General Prabowo Subianto (Suharto's son-in-law, now retired), and Major General Syafrie Syamsuodidin (now Secretary General of the Ministry of Defense). In 2000, Indonesia's parliament passed a law stipulating that all human rights violations which occurred before 2000 would need to be tried by ad-hoc human rights courts established only upon parliament's recommendation and a presidential decree. During President Abdurrahman Wahid's administration, the DPR set up a special committee to investigate the incidents with a view to possibly recommending such an ad-hoc court. In 2001, the special committee shocked human rights activists by declaring that no gross violations of human rights had occurred in these cases. As a result, an ad-hoc court was not set up and the perpetrators were never brought to justice.

Human rights workers wage the good fight  
-----

13. (SBU) Nevertheless, human rights activists, among them prominent campaigner Munir Thalib, who was murdered in 2004, continued to keep the issue alive through extensive public

relations work, pressure on the government, and networking with foreign governments and human rights groups. They argued in vain that only the Indonesian National Commission for Human Rights (Komnas Ham) had the legal standing to rule on the existence of "gross violations of human rights" and that the parliamentary special committee had overstepped its bounds. In 2002, Komnas Ham published a report on the killings which found evidence of gross human rights violations and which implicated the TNI. The Attorney General's office refused to investigate without parliamentary and presidential authorization.

14. (SBU) In 2004, the DPR once again began examining the Trisakti and Semanggi I and II killings. Earlier this year, in what some activists saw as a breakthrough, Commission III urged the DPR leadership to recommend that the president issue a decree to establish an ad-hoc court to render justice for the killings. Speaker of the House Agung Laksono (a member of Golkar) supported this recommendation but clarified that the full plenary session of the DPR would need to vote on the issue.

#### A serious setback for accountability

-----

15. (SBU) However, in a setback for the cause of accountability, on March 7, the DPR consultative council, consisting of 55 leaders from ten parties in Parliament, recommended against putting the ad-hoc court before a plenary session for a vote. The move effectively stopped perhaps one of the last and best chances of securing justice. According to media reports, only two parties -- the Indonesian Democratic Party - Struggle (PDI-P, the party of former president Megawati Sukarnoputri) and the National Awakening Party (PKB, the party founded by former president Abdurrahman Wahid) -- voted in favor of placing the issue before the

plenary session. Six parties, including the President's Democratic Party and the Vice President's Golkar Party, voted against moving the issue forward. Some opponents argued that the killings did not constitute "egregious abuses," while others said that Indonesia needed to face the future rather than dwell on the past.

#### "Old school" Parliamentarians Block Justice

-----

16. (C) On March 13, several human rights activists from the Indonesian Human Rights Monitor (Imparsial) and KontraS asserted that the consultative council's decision stemmed from the TNI's continuing influence over civilian politicians. They claimed that President Yudhoyono and senior parliamentary leaders -- such as those who composed the consultative council -- belonged to the "old school" and had strong links to the TNI, such as shared business interests." Usman Hamid, Head of KontraS, believed that only two parties, PKB and PDI-P, were relatively free of TNI influence. He said all other parties, including Golkar and the Democratic Party, would most likely continue to obstruct efforts to secure justice for the 1998-1999 killings to protect "powerful and guilty generals like Wiranto who are responsible for the murders." Haris Azhar, Head of Impunity Watch at KontraS, acknowledged that Commission III had taken a bold step in recommending an ad-hoc court and attributed this to the relatively "junior status of many commission members who therefore lack old ties to the TNI leadership and believe in democracy." He noted that these "junior party members" lacked leverage to change the way their parties functioned. Both Usman and Haris felt that Commission III had made a "strategic error in not explicitly revoking the 2001 parliamentary special committee's finding that no gross human rights violations had taken place in Trisakti and Semanggi I and II." Nevertheless, they believed that Speaker Laksono was sincere in his support for an ad-hoc court. They cited rumors that certain members of the DPR were still trying to find a way to create an ad-hoc court.

Attorney General reluctant to investigate

-----  
17. (C) Hamid also told us that human rights groups had received very little cooperation from the Attorney General's Office (AGO), which continued to refuse to investigate the killings until an ad-hoc court was authorized by parliament and the President. Hamid asserted that this stance had no "real legal basis and reflected the Attorney General's unwillingness to confront the TNI." Hamid said that he had repeatedly told Attorney General Saleh that an investigation could help uncover evidence to provide the factual basis for recommending an ad-hoc court. He argued that the Komnas Ham findings of "gross human rights violations" gave the AGO all it needed to proceed.

Activists plan a number of steps forward  
-----

18. (C) Hamid and other human rights activists say that they will continue to fight for justice for the Trisakti and Semanggi victims by:

- identifying and lobbying supportive legislators;
- applying pressure on senior government officials;
- continuing a public relations campaign;
- engaging international human rights groups such as Human Rights Watch; and
- seeking support from foreign governments such as the U.S. and international organizations such as the UN and EU.

HEFFERN